

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Dartmouth Hitchcock Medical Center

v.

Civil No. 09-cv-160-JD

Cross Country Travcorps, Inc.,
d/b/a Cross Country Staffing
(and their affiliates) and
CHG Medical Staffing, Inc.,
d/b/a RN Network

O R D E R

Dartmouth Hitchcock Medical Center moves to compel CHG Medical Staffing, Inc. to produce a reinsurance agreement between CHG and CNA. In support of its motion, DHMC represents that the court ordered CHG to produce insurance policies during a hearing in a related case, Aumand v. Dartmouth Hitchcock Medical Center, 06-cv-434-JL, and that CHG has refused to produce the reinsurance agreement on the ground that discovery has not yet begun in this case. DHMC argues that CHG is in violation of the "intent and spirit of this Court's Order, if not the letter." DHMC also contends that CHG's "refusal to produce this information based upon stretched technicalities is in bad faith." CHG objects to the motion, citing Federal Rule of Civil Procedure 26(d), and noting that the court did not order production of the reinsurance agreement.

Because the parties agree that the court did not order

production of the reinsurance agreement, CHG's refusal to produce it now does not violate an existing court order. Contrary to DHMC's argument, the discovery rules are not "stretched technicalities." This case will progress in accordance with the Federal Rules of Civil Procedure.

Conclusion

For the foregoing reasons, the plaintiff's motion to compel (document no. 13) is denied.

SO ORDERED.

Joseph A. DiClerico, Jr.
Joseph A. DiClerico, Jr.
United States District Judge

July 31, 2009

cc: Andrew D. Dunn, Esq.
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Ralph Suozzo, Esq.